

REMARKS

I. Basis for Amendment

This Amendment is filed after a final rejection pursuant to 37 C.F.R. § 1.116(b)(1). Therefore, Applicant requests entry of the Amendment.

II. Claim Status

Claims 1-19 were previously pending. Upon entry of the present amendment, claims 1-14 and 18 will be pending, with claims 1 and 9 being independent claims. Previously pending claims 1-15, 18 and 19 were rejected, and claims 16 and 17 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant respectfully submits that the amendments presented herein place the Subject Application in condition for allowance.

III. Objection to the Specification

In the pending Office Action, the amendment to the specification filed 8 July 2008 was objected to under 35 U.S.C. §132(a) because it allegedly introduces new matter into the disclosure. Applicant respectfully disagrees. Nevertheless, in order to place the Subject Application into condition for allowance, Applicant has herein canceled (without prejudice or disclaimer) the amendment to the specification filed 8 July 2008. Therefore, the alleged new matter is no longer present in the specification of the Subject Application.

Applicant does not acquiesce or otherwise concede the correctness of the objection to the amendment to the specification filed 8 July 2008. Applicant respectfully submits that the subject matter inserted in the Subject Application by way of the amendment to the specification filed 8 July 2008 was previously and properly incorporated by reference into the Subject Application as originally-filed in compliance with 37 C.F.R. § 1.57. Thus, the

amendment contained no new matter. Therefore, Applicant reserves the right to present the subject matter in related applications that may be filed at a later date.

IV. Claim Rejections under 35 U.S.C. §112, first paragraph

In the pending Office Action, claims 1, 9 and 15 were rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. The Office asserts that the previous claims contained new matter not disclosed in the Subject Application as originally filed. Applicant respectfully disagrees. Nevertheless, in order to place the Subject Application into condition for allowance, Applicant has herein canceled (without prejudice or disclaimer) the alleged new matter. Therefore, the alleged new matter is no longer present in the claims of Subject Application.

V. Claim Rejections under 35 U.S.C. §§ 102(e) and 103(a)

In the pending Office Action, claim 1 was rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,632,347 to Buckley et al. ("Buckley"). In addition, the Office rejected claims 1-15 and 18-19 under 35 U.S.C. §103(a) as unpatentable over Buckley alone or in combination with various other references. Applicant respectfully disagrees. Nevertheless, Applicant has herein amended the claims to place the Subject Application into condition for allowance.

In the pending Office Action, claims 16-17 stand objected to as being dependent upon a rejected base claim, but otherwise allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. Claim 16 depends from independent claim 1, and claim 17 depends from independent claim 9. Claims 1 and 9 are amended herein to incorporate the features recited in claims 16 and 17, respectively, which are canceled. Claims 15 and 19 are also canceled. In effect, claims 16 and 17 have been rewritten herein in independent form including all of the limitations of the respective base claims 1 and 9. Claims 1 and 9 are therefore allowable. Claims 2-8, 10-14 and 18 are also allowable at least because they depend directly or indirectly from either claim 1 or 9.

The cancellations and amendments made herein are made without prejudice or disclaimer to the subject matter of the claims as originally filed or as previously presented. Applicant does not acquiesce or otherwise concede the correctness of any rejections to the original claims, or the previously presented claims, asserted by the Office in the Subject Application. Accordingly, Applicant hereby reserves the right to pursue the subject matter of the claims as originally filed, or as previously presented in the Subject Application, in related applications that may be filed at a later date. Moreover, Applicant hereby reserves the right to submit arguments made in connection with the Subject Application in any related and/or future applications. The amendments presented herein are solely made to expedite the allowance of the Subject Application.

VI. Conclusion:

Applicant respectfully submits that the Subject Application is in condition for allowance. Accordingly, in view of the foregoing, the issuance of a Notice of Allowance is respectfully requested.

If the undersigned can be of assistance to the Office in addressing issues to advance the application to allowance, please contact the undersigned at the number set forth below.

2/12/09
Date

Respectfully submitted,



Robert J. Toth
Attorney for Applicant
Registration No. 57,741

K & L GATES LLP
Henry W. Oliver Building
535 Smithfield Street
Pittsburgh, Pennsylvania 15222-2312
Phone: 412.355.8382
Fax: 412.355.6501
robert.toth@klgates.com